

**COORDINATION BETWEEN STATE AND LOCAL
GOVERNMENT ON FEDERAL REGULATIONS**

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christopher N. Herrod

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to the Public Lands and Federal Policy Coordinating Office to provide for coordination with political subdivisions.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Public Lands and Federal Policy Coordinating Office to send an electronic notice once a year to political subdivisions; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 63J-4-601**, as last amended by Laws of Utah 2009, Chapter 121
- 63J-4-602**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 63J-4-603**, as last amended by Laws of Utah 2009, Chapters 121 and 262



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **63J-4-601** is amended to read:

30 **63J-4-601. Definitions.**

31 As used in this part:

32 (1) "Coordinator" means the [~~public lands~~] policy coordinator appointed in this part.

33 (2) "Federal agency" means a department, agency, authority, commission, council,
34 board, office, bureau, or other administrative unit of the executive branch of the United States
35 government.

36 [~~(2)~~] (3) "Office" means the Public Lands and Federal Policy Coordinating Office
37 created by this part.

38 [~~(3)~~] (4) "Political subdivision" means a county, municipality, local district, special
39 service district, school district, interlocal cooperation agreement entity, or any administrative
40 subunit of them.

41 [~~(4)~~] (5) "State planning coordinator" means the person appointed under Subsection
42 63J-4-202(1)(a)(ii).

43 Section 2. Section **63J-4-602** is amended to read:

44 **63J-4-602. Public Lands Policy Coordinating Office -- Coordinator --**
45 **Appointment -- Qualifications -- Compensation.**

46 (1) There is created within state government the Public Lands and Federal Policy
47 Coordinating Office. The office shall be administered by a [~~public lands~~] policy coordinator.

48 (2) The coordinator shall be appointed by the governor with the consent of the Senate
49 and shall serve at the pleasure of the governor.

50 (3) The coordinator shall have demonstrated the necessary administrative and
51 professional ability through education and experience to efficiently and effectively manage the
52 office's affairs.

53 (4) The coordinator and employees of the office shall receive compensation as
54 provided in Title 67, Chapter 19, Utah State Personnel Management Act.

55 Section 3. Section **63J-4-603** is amended to read:

56 **63J-4-603. Powers and duties of coordinator and office.**

57 (1) The coordinator and the office shall:

58 (a) make a report to and provide staff assistance to the Constitutional Defense Council

59 created under Section 63C-4-101 concerning R.S. 2477 rights and other public lands issues
60 under Title 63C, Chapter 4, Constitutional Defense Council;

61 (b) under the direction of the state planning coordinator, assist in fulfilling the state
62 planning coordinator's duties outlined in Section 63J-4-401 as those duties relate to the
63 development of public lands policies by:

64 (i) developing cooperative contracts and agreements between the state, political
65 subdivisions, and agencies of the federal government for involvement in the development of
66 public lands policies;

67 (ii) producing research, documents, maps, studies, analysis, or other information that
68 supports the state's participation in the development of public lands policy;

69 (iii) preparing comments to ensure that the positions of the state and political
70 subdivisions are considered in the development of public lands policy;

71 (iv) partnering with state agencies and political subdivisions in an effort to:

72 (A) prepare coordinated public lands policies;

73 (B) develop consistency reviews and responses to public lands policies;

74 (C) develop management plans that relate to public lands policies; and

75 (D) develop and maintain a statewide land use plan that is based on cooperation and in
76 conjunction with political subdivisions; and

77 (v) providing other information or services related to public lands policies as requested
78 by the state planning coordinator;

79 (c) facilitate and coordinate the exchange of information, comments, and
80 recommendations on public lands policies between and among:

81 (i) state agencies;

82 (ii) political subdivisions;

83 (iii) the Office of Rural Development created under Section 63M-1-1602;

84 (iv) the Resource Development Coordinating Committee created under Section
85 63J-4-501;

86 (v) School and Institutional Trust Lands Administration created under Section
87 53C-1-201;

88 (vi) the committee created under Section 63F-1-508 to award grants to counties to
89 inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and

90 (vii) the Constitutional Defense Council created under Section 63C-4-101;
91 (d) provide an annual electronic notice to a political subdivision to:
92 (i) solicit comment on the cultural or economic impact of a federal agency regulation,
93 plan, or action on a political subdivision; and

94 (ii) identify federal law under which a federal agency is required to coordinate with a
95 political subdivision on a regulation, plan, or action;

96 [~~(d)~~] (e) perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and
97 Title 9, Chapter 8, Part 4, Historic Sites;

98 [~~(e)~~] (f) consistent with other statutory duties, encourage agencies to responsibly
99 preserve archaeological resources;

100 [~~(f)~~] (g) maintain information concerning grants made under Subsection (1)[~~(h)~~](i), if
101 available;

102 [~~(g)~~] (h) report annually, or more often if necessary or requested, concerning the
103 office's activities and expenditures to:

104 (i) the Constitutional Defense Council; and

105 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim
106 Committee jointly with the Constitutional Defense Council;

107 [~~(h)~~] (i) make grants of up to 16% of the office's total annual appropriations from the
108 Constitutional Defense Restricted Account to a county or statewide association of counties to
109 be used by the county or association of counties for public lands matters if the coordinator,
110 with the advice of the Constitutional Defense Council, determines that the action provides a
111 state benefit;

112 [~~(i)~~] (j) provide staff services to the Snake Valley Aquifer Advisory Council created in
113 Section 63C-12-103; and

114 [~~(j)~~] (k) coordinate and direct the Snake Valley Aquifer Research Team created in
115 Section 63C-12-107.

116 (2) The coordinator and office shall comply with Subsection 63C-4-102(8) before
117 submitting a comment to a federal agency, if the governor would be subject to Subsection
118 63C-4-102(8) if the governor were submitting the material.

119 (3) The office may enter into a contract or other agreement with another state agency to
120 provide information and services related to:

121 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and
122 Classification Act;

123 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and
124 Classification Act, or R.S. 2477 matters; or

125 (c) any other matter within the office's responsibility.

Legislative Review Note

as of **2-17-11 11:12 AM**

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 158

SHORT TITLE: Coordination Between State and Local Government on Federal Regulations

SPONSOR: Herrod, C.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill will cost \$19,700 ongoing from the General Fund starting in FY 2012 for the Public Lands and Federal Policy Coordinating Office to do legal research, annual solicitations, and reporting.

STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue	\$0	\$0	\$0
Expenditure:			
General Fund	\$0	\$19,700	\$19,700
Total Expenditure	\$0	\$19,700	\$19,700
Net Impact, All Funds (Rev.-Exp.)	\$0	(\$19,700)	(\$19,700)
Net Impact, General/Education Funds	\$0	(\$19,700)	(\$19,700)

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.